UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,544	11/10/2003	Kathrin Berkner	074451.P159	5145

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EXAMINER
BAYAT, ALI

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _amendment filed on 6/30/09_ .
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-64_ is/are pending in the application.
    4a) Of the above claim(s) _28-64_ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-27_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _12 October 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____ .
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

Response to Arguments

1.   Applicant's arguments regarding the amendment filed on 6/30/09 have

been fully considered but they are not persuasive.

On page 17 of remarks, applicant argues that "Sirohey is silent as to

deriving retrieval attributes from "solely from a bit distribution extracted from the

header information" or performing image analysis based on these derived

retrieval attributes.

Examiner respectfully disagrees, Shirohey teaches deriving retrieval

attributes " solely from a bit distribution extracted for the header information

(Fig.21 see elements 410, 412, 414 and 416 refers to different resolution level

col. 22 lines 30-41. Further see Fig.20 for bit distribution, see numbers of

compressed bytes for different resolution levels Examiner interprets that the

distribution of compressed bytes in each resolution level corresponds to bit

distribution, because in binary digit a group of 8 bits, makes up a byte.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102

of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject

matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art

to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was

made.

Claims 1-6, 8-12, 15-18, 20-24 and 26-27 are rejected under 35 U.S.C.

103(a) as being unpatentable over Chen et al. (Pub. No: US 2003/0113027) in

view of Sirohey et al. (US 7,236,637)).

In regard to claim 1, Chen provides for accessing header data (Fig.6A

element 610, Para.137 lines 14-18, note code stream header is read where

relevant information such as DWT levels and code block size and ...is extracted

)from a multi-resolution code stream of compressed data of a first image (Fig.6A

element 610, Para.137 lines 5-7, note JPEG 2000 code stream, transforms the

coefficients via DWT, which is multi-resolution); deriving one or more retrieval

attributes from the header information (Fig.6A element 610, Para.137 lines 14-

18, note code stream header is read where relevant information such as DWT

levels and code block size and ...is extracted) .

Chen does not provide for performing image analysis between the first

image and a second image based on the one or more retrieval attributes solely

from a bit distribution extracted from the header information .Sirohey provides for

the above image analysis between the first and second image (Fig.21 see

elements 410 and 412 , col. 22 lines 30-41, note client 404 may request the

requisite image levels from the server 402 and store those image levels in

storage 420. further see system 400 determines the requisite number of image

resolution levels for the desired resolution in the viewport 406 , which

corresponds to second image" by comparing image resolutions of image levels

410-416 , which corresponds to the first image with the desired resolution of the

viewport 406. furthermore the system 400 may obtain the resolution

characteristics of the image levels 410-416 by reading the header 408 in an initial

or subsequent retrieval of image data from the server 402) yet further Shirohey

teaches deriving retrieval attributes " solely from a bit distribution extracted for

the header information (Fig.21 see elements 410, 412, 414 and 416 refers to

different resolution level col. 22 lines 30-41. also see Fig.20 for bit distribution,

see numbers of compressed bytes for different resolution levels Examiner

interprets that the distribution of compressed bytes in each resolution level

corresponds to bit distribution, because in binary digit a groupe of 8 bits, makes

up a byte.

It would have been obvious to a person of ordinary skill in the art at time

the invention was made to incorporate the teaching of Sirohey with the system

and method of Chen to handle the data more efficiently by accessing the image

data in blocks corresponding to the plurality of resolution levels, rather than

accessing the entirety of the image data. See the summary of the invention.

In regard to claims 2 and 16 Chen provides for the header information

comprises the number of bits per code block (para.137 lines 14-18, note code

block).

In regard to claims 3 and 17 Chen provides for the multi-resolution code

stream complies with the JPEG 2000 Standard (para.137 note DWT levels).

In regard to claims 4 and 18, see the rejection of claim 1. They recite

similar limitations as claim 1. Hence they are similarly analyzed and rejected.

In regard to claim 5, Chen provides for the image analysis comprises clustering (para.84, see meta-data corresponds to clustering).

In regard to claim 6, Chen provides for the image analysis comprises categorization (para.137 see DWT levels corresponds to different resolution).

In regard to claim 8, see the rejection of claim 1. It recites similar limitations as claim. Hence it is similarly analyzed and rejected.

In regard to claims 9 and 26 Chen provides for the one or more retrieval attributes comprise one or more resolution-sensitive features (para.137 lines 18-20, note precincts present in each resolution level).

In regard to claims 10 and 22 see the rejection of claim 1. They recite similar limitations as claim 1. Hence they are similarly analyzed and rejected.

In regard to claims 11 and 23 Chen provides for the first image comprises a scanned compound document. (Para.74 see scan order).

In regard to claims 12 and 24 Chen provides for deriving the one or more retrieval attributes comprises computing the one or more retrieval attributes (para.137 lines 24-29, note selected resolution).

In regard to claims 20-21 and 27, see the rejection of claim 1. They recite similar limitations as claim 1. Hence it is similarly analyzed and rejected.

In regard to claim 15, see the rejection of claim 1. It recites similar limitations as claim 15. Except for computer readable (para.137 see software application). Hence it is similarly analyzed and rejected.

Claims 13-14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (Pub. No: US 2003/0113027) in view of Sirohey et al. (US 7,236,637), further in view of Sekiguchi et al. (US 2001/0004739 A1).

In regard to claims 13-14 and 25 Chen as modified by Sirohey does not provides for the code stream includes a plurality of layers (luminescence layer, a chrominance layer, and a layer for the remaining bits) of coded data and where accessing the header data comprises accessing header data connected with one of the layers. Sekiguchi provides for above limitations (Para.95 lines 1-5). It would have been obvious to a person of ordinary skill in the art at time the invention was made to incorporate the teaching of Sekiguchi with the system and method of Chen as modified by Sirohey to retrieve images based on characteristic values and/or pieces of attributed information are extracted from image. See field of invention.

Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (Pub. No: US 2003/0113027) in view of Sirohey et al. (US 7,236,637), further in view of Sekiguchi et al. (. (US 2001/0004739 A1), yet further in view of Amirghodsi (Pub. No: US 2006/0077408).

In regard to claims 7 and 19 Chen as modified by Sirohey and Sekiguchi provides for deriving one or more, retrieval attributes comprises creating a first vector of the one or more retrieval attributes (para.101, Fig.6 step 13, see motion vector extracted in video segment, which produces characteristic descriptor set, which corresponds to element 3 of Fig.2 in Sekiguchi) . Chen as modified by

Sirohey and Sekiguchi does not provide for performing image analysis comprises comparing the first vector with a second vector of one or more retrieval attributes associated with a second image. Amirghodsi provides for performing image analysis comprises comparing the first vector with a second vector (para.56 see last part). It would have been obvious to a person of ordinary skill in the art at time the invention was made to incorporate the teaching of Amirghodsi with the system and method of Chen as modified by Sekiguchi to retrieve image by incorporating the color feature vectors. See Background of invention. Para.0002.

Conclusion

3.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Contact Information

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to ALI BAYAT whose telephone number is

(571)272-7444. The examiner can normally be reached on M-F 9:00 AM-5:00

PM.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Samir Ahmed can be reached on 571-272-7413. The fax

phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

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direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

/Ali Bayat/
Examiner, Art Unit 2624
11/02/09

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